

DECLARATION AND POWER OF ATTORNEY

ATTORNEY'S DOCKET NO.

11908.102H

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD AND APPARATUS FORDISTRIBUTING INFORMATION BASED ON A GEOGRAPHIC LOCATION PROFILE OF A USER
the specification of which(check)
one)☐ Is attached hereto.☒ was filed on February 12, 2002 asApplication Serial No. 10/072,963

and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendments referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a), and Title 35 USC §102, as printed on the reverse of this Declaration and which I have read.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

(Number)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

(Number)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

60/347,871

(Application Serial No.)

1/15/02

(Filing Date)

Pending

(Status — patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status — patented, pending, abandoned)

POWER OF ATTORNEY: As named inventor, I hereby appoint Joseph V. Colaianni, Reg. No. 20,019; Michael T. Platt, Reg. No. 20,086; Laurence E. Stein, Reg. No. 35,371 and William G. Bentz, Reg. No. 48,713; my attorneys with full power of substitution and revocation to prosecute this application; to receive correspondence from and transact all business in the Patent and Trademark Office connected herewith. The correspondence address of the above attorneys is:

PATTON BOGGS LLP

2550 M Street, N.W.

Washington, D.C. 20037

Telephone: 202-457-6000 - Facsimile: 202-457-6315

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor JEFFREY PHELANInventor's signature [Signature]Date July 18, 2002Residence 4094 Majestic Lane, Fairfax, VA 22033Citizenship U.S.Post Office Address 4094 Majestic Lane, Fairfax, VA 22033Full name of second joint inventor, if any CHRISTOPHER RAWBONEInventor's signature [Signature]Date July 18, 2002Residence 28 The Common, Ealing, London, England W5 3JBCitizenship NEW ZEALANDPost Office Address 28 The Common, Ealing, London, England W5 3JB

Full name of third joint inventor, if any _____

Inventor's signature _____

Date _____

Residence _____

Citizenship _____

Post Office Address _____

(Supply similar information and signature for fourth and subsequent joint inventors.)

§ 1.56 Duty of disclosure; fraud; striking or rejection of applications.

(a) A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

UNITED STATES CODE
TITLE 35—PATENTS

§ 102. Conditions for patentability; novelty and loss or right to patent

A person shall be entitled to a patent unless—

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application thereof by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other (Amended July 28, 1972, Public Law 92-358, sec. 2.85 Stat. 501; November 14, 1975, Public Law 94-131, sec. 5, 89 Stat. 691.)